

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER,
Plaintiff,

v.

SOUTHWEST AIRLINES CO. and
TRANSPORT WORKERS UNION OF
AMERICA LOCAL 556,
Defendants.

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CASE NO. 3:17-CV-2278-S

ORDER

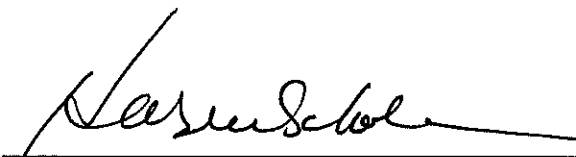
This Order addresses Defendants' Joint Motion to Strike [ECF No. 72], filed March 15, 2019. For the reasons that follow, the Court grants the Motion.

On February 1, 2019, the Court issued a lengthy opinion denying in part and granting in part Defendants' Motions to Dismiss [ECF No. 69]. The Court dismissed with prejudice Counts I and II. The Court also dismissed with prejudice Plaintiff's retaliation claims against Defendants based on the exercise of her First and Fifth Amendment rights asserted in Count IV. The Court granted Plaintiff leave to replead Count III.

Plaintiff filed her Third Amended Complaint on March 1, 2019, but failed to remove causes of action that have been dismissed with prejudice by this Court, making it vague and unclear as to the factual allegations to which Defendants must respond and the scope of future discovery. The Court finds Plaintiff's Notice [ECF No. 71] to be insufficient to cure any potential confusion or prejudice against Defendants. Therefore, the Court strikes Plaintiff's Third Amended Complaint. Plaintiff is ordered to file a Fourth Amended Complaint that excludes the causes of action the Court has dismissed with prejudice by no later than April 24, 2019.

SO ORDERED.

SIGNED April 3, 2019.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE